

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2015-013746

03/27/2017

HONORABLE LORI HORN BUSTAMANTE

CLERK OF THE COURT  
T. Nosker  
Deputy

JOSEPH MOMOT, et al.

KRYSTLE DELGADO

v.

SILKWORTH MANOR L L C, et al.

ADAM E HAUF  
RANDY NUSSBAUM

MINUTE ENTRY

The court has reviewed and considered the following pleadings:

- Motion for Sanctions
- Motion for Summary Disposition

Plaintiffs have filed another Motion for Sanctions. The Motion for Sanctions is “for engaging in the unauthorized practice of law, forcing Plaintiff to incur attorney’s fees in the preparation of Plaintiff’s Response to Defendants’ Motions for Reconsideration of Sanctions and for Relief Under Rule 60, and . . . for Defendants arbitrarily filing their motions without any legal basis, evidence, or documentation otherwise to support their allegations.”

Unauthorized Practice of Law

Plaintiff first asserts that they are entitled to sanctions as a result of Mr. Goldenberg’s unauthorized practice of law. Mr. Goldenberg filed a Notice of Appearance, after the deadline imposed by the court, as to the corporate defendant Silkworth Manor, LLC. Mr. Goldenberg also filed a Motion to Continue which was denied and a Motion for Reconsideration which was also denied. The court entered default against Silkworh Manor, LLC as a result of the corporate

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defendant's failure to procure counsel prior to the deadlines imposed by the court. At this point in the litigation, with default judgment having been entered against the only client Mr. Goldenberg represented, whether Mr. Goldenberg engaged in the unauthorized practice of law will be an issue for the State Bar to determine.

Motions for Reconsideration

Plaintiff further asserts they are entitled to sanctions as a result of having to respond to Defendants' Motions for Reconsideration and for Defendants filing their Motions without any legal basis. Plaintiff asserts fees were incurred as a result of having to respond to the Motions for Reconsideration.

The Arizona Rules of Civil Procedure provides the procedure for Motions for Reconsideration:

All such motions, however denominated, must be submitted without oral argument and without the filing of a responsive or reply memorandum, unless the court orders otherwise. No motion for reconsideration may be granted, however, without the court providing all other parties an opportunity to respond.

Ariz. R. Civ. P. 7.1(e)(2).

Defendants filed a Motion for Reconsideration on February 16, 2017. The court denied the Motions on February 23, 2017. The court never directed the filing of a Response to the Motions for Reconsideration; thus, there was no need for Plaintiffs to draft a Response. The court is unable to grant an award of attorney fees for work that was not necessary according to the Rules of Civil Procedure.

**IT IS ORDERED** denying Plaintiff's Motion for Sanctions.